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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,207	11/19/2001	Katsuya Irie	1466.1048	8087

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EXAMINER

AWAD, AMR A

ART UNIT PAPER NUMBER

2675

DATE MAILED: 09/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,207

Applicant(s)

IRIE ET AL.

Examiner

Amr Awad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.                      6) ☐ Other: \_\_\_\_\_

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The references cited in the Information Disclosure Statement filed on November 19, 2001 have been considered by the Examiner; see attached PTO-1449.

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear to the examiner the relationship between the cell position and the imaginary display surface. The citation of the imaginary display surface is mentioned in the specification (summary of the invention) substantially similar to the claim language, and there is no other description that would assist the examiner to clarify the relationship. The examiner respectfully requests a clarification.

***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-9 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of copending Application No. 09/778,919 (Pat-919). Although the conflicting claims are not identical, they are not patentably distinct from each other because by comparing the claims of the present application with the claims of Pat-919, we can see that the claims are fairly similar. For example the combination of claims 1 and 2 of Pat-919 are substantially equivalent to claim 3 of the present application. Claim 4 of the present application is similar to claim 1 of Pat-919. The apparatus of claim 9 of the present application is similar to method claim 1 of Pat-919. Similarly with respect to the rest of the claims in the present application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 4-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Okumura (US Patent NO. 5,107,353).

As to claim 1, Okumura (figure 9) teaches a method of displaying a color image using a three types of cells having different colors (R, G & B) that includes parallel cell columns having the same light color, and the light color of a cell column being different from that of the neighboring cell column, and wherein the column direction of a cell being shifted from that of the neighboring cell column among a set of the cell columns (figure 9). Okumura teaches switching a combination of cells having the same light color constituting a display of line perpendicular to the column direction (for that, Okumura shows in figure 9 that cells of the same color on the row (R for red color) is having the same polarity (i.e., switched on)) (col. 6, line 50 through col. 7, line 31).

As to claim 4, the claim is similar to claim 1, except that the claim recites lighting two neighboring cells in at least one cell column out of a set of cell columns each having the same light color when displaying a display line perpendicular to the column direction. As can be seen above, and from figure 9, Okumura shows the claimed limitations.

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As to claims 5-7, the claims are variations of the distribution of the cells, which are all taught by Okumura in figure 9.

As to claim 9, the claim is substantially similar to apparatus claim 4 and would be analyzed as previously discussed with respect to claim 4.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okumura in view Shigeta (US patent NO. 5,659,226).

As to claim 2, as can be seen above, Okumura teaches all the limitations of claim 2 except the citation of performing an interlaced display by changing the combination of cells of a display line that is perpendicular to the column direction in every field between the neighboring cell columns of the same light emission color.

However, Shigeta teaches a plasma display device that includes interlacing (between the odd and the even lines) by changing the combination of cells of display that is perpendicular to the column direction in every field between the neighboring cell columns of the same light emission color (figures 5-6, 7, col. 5, lines 7-54 and col. 6, lines 23-38).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Shigeta interlacing by changing the combination of the cells of the display, to be incorporated to Okumura's device so as motivated by Shigeta, to increase in fineness of the display (abstract), and to make it easier to precisely manufacturing the row electrodes in excess of a patterning precision and width of the electrodes (col. 1, lines 42-45).

As to claim 8, Shigeta teaches having the display device as plasma display. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the device of Okumura as a plasma display because plasma is known for its reliability and superior images.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sakurai et al. (US patent NO. 5,579,027) teaches a driving display apparatus that includes interlacing and zigzagging the display lines.

Shigeta et al. (US patent NO. 5,982,347) teaches driving display apparatus that includes interlacing and zigzagging the display lines.

Takagi et al. (US patent NO. 6,376,986) teaches a plasma display with uneven spaces.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is (703)308-8485. The examiner can normally be reached on Monday-Friday, between 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras can be reached on (703)305-9720. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4750.

A handwritten signature in black ink, appearing to read "Amr Awad". The signature is fluid and cursive, with a large loop at the end.

A.A.  
September 7, 2003